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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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I. Background information

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland.[1] The Territory is located midway between Australia and South America at 25°S and 130°W. It comprises four islands in the western Pacific Ocean: Pitcairn (named after Robert Pitcairn, a midshipman who sighted it in 1767), the only one inhabited, Henderson, Ducie and Oeno. Although there is evidence of previous settlements by Polynesian peoples, Pitcairn was uninhabited when castaways from HMS *Bounty* (9 mutineers and 19 Polynesians) arrived there in 1790. Today Pitcairn is inhabited by their descendants. The population of Pitcairn has been declining steadily since 1937, when it was approximately 200. According to the administering Power, at 1 January 2002 the total population of the Territory was 45. It is usual for the young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuous outward flow of young people has been a concern to the Islanders for many years. The population currently consists mainly of middle-aged and elderly people. All the population live in Adamstown, the only settlement in Pitcairn.

2. The terrain in Pitcairn is of rugged volcanic formation with a rocky coastline with cliffs lining nearly the entire perimeter of the Island, nowhere giving easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the island that offer a reasonably safe landing. Ships visiting the island remain some distance away from the shoreline. Pitcairn enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

3. The official language is English and the Pitcairn Islanders also have their own local dialect, a mixture of eighteenth century English and Tahitian.

II. Constitutional structure and legal system

4. The Pitcairn Order 1970, laid down under the British Settlement Acts 1887 and 1945 and the Royal Prerogative, and the Pitcairn Royal Instructions 1970 are in effect the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, to whom he is accountable. In practice, the United Kingdom High Commissioner to New Zealand is appointed concurrently as Governor of Pitcairn, and the responsibility for the administration of the island is accordingly vested in him and is discharged by him and officers subordinate to him. The current Governor of Pitcairn is Richard Fell.

5. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. However, the Royal Instructions require prior approval of the Secretary of State on certain subjects. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and

procedures. The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them. According to the information provided by the administering Power, in response to requests from the island for closer integration with the Governor's Office, a Governor's Representative (a member of the British Diplomatic Service) arrived in Pitcairn in February 2003 to provide a direct link between the Governor's Office and the island.

6. The Governor appoints a Commissioner for Pitcairn, based at the Pitcairn Islands Administration in Auckland, New Zealand. The Office is funded mainly from Crown revenue such as from the sale of postage stamps and Internet domain names. The Commissioner is responsible to the Governor for the management of Pitcairn's finances and a range of other administrative matters and advises the Governor of significant developments on Pitcairn. The Commissioner is employed under the legal framework of the United Kingdom public service and liaises between the Governor and the Island Council.

7. Pitcairn Islanders manage their internal affairs through the Island Council. The Council was established by the Local Government Ordinance, which confers on it, subject to the orders and directions of the Governor, the duty to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders.

8. The Council is required to meet at least once a month. It consists of 10 members: the Island Mayor, elected every three years; the Chairman of the Internal Committee, who is elected annually; 4 other elected members, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; 1 nominated member, who is appointed annually by the Governor; and 2 advisory (non-voting) members, 1 of whom is appointed annually by the other members of the Council.

9. In December 1999, Pitcairn elected its first ever Mayor, thus ending the century-old practice of naming a magistrate to head the local government.

10. The Island Council's decisions are implemented by the Internal Committee, whose formal functions are to carry out the orders of the Council and to perform such duties as the Council may direct. In practice, the principal function of the Committee is to organize and implement the public works programme, for which all adult and able-bodied Pitcairn Islanders are responsible. The Committee comprises the Chairman and such other persons (not being members of the Council or public officers) as the Council, with the Governor's approval, may appoint.

11. The Island Secretary and other non-elected officials (e.g., the postmaster, the radio officer and the police officer) are appointed by the Governor, invariably after consultation with the Council.

12. Pitcairn-born persons normally resident on the island at the time of the elections, others having been normally resident there for not less than 3 years, the spouse of any such person resident for 1 year and the de facto partner of any such person resident for 2 years, shall be qualified to vote in annual elections, in each case having attained the age of 18 years. Candidates for election to the office of Mayor or Chairman of the Internal Committee must be native-born residents or have resided on the island for at least 10 years after attaining the status of permanent residence or, if originally born there, having lived there for at least 10 years after

returning permanently to the island, in each case being of the age of 25 years. Candidates for election to the Council must be not less than 21 years of age and have resided on the island for at least 5 years. The electoral roll is prepared by the Island Secretary each November and elections follow in early December. There is now limited provision for absentee voting in the case of qualified voters temporarily away from Pitcairn at the time of the poll.

13. Regarding the legal system of Pitcairn, the Magistrate's Court is constituted by a magistrate sitting with or without assessors. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters involving questions of law. The jurisdiction of the Court is limited to offences triable only summarily, committal proceedings and certain inquiries together with civil litigation up to the prescribed level of value. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior court of record and has jurisdiction in criminal and civil causes outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal lie to the Pitcairn Court of Appeal, which comprises three judges, and to the Privy Council.

14. The Pitcairn Order 1970 has been amended to permit the courts of the Islands to sit also in the United Kingdom or in such other place as the Governor, on the advice of the Chief Justice, may appoint.

15. The written Constitution of Pitcairn, as contained in the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970, does not expressly include in general terms provision for the protection of human rights.

16. According to the administering Power, the Magistrate's Court and the Supreme Court both have inherent jurisdictions governing human rights in particular areas arising out of the laws in force in the islands. The Governor has the ultimate responsibility for overseeing the implementation of human rights in Pitcairn. Any complaint of unlawful or oppressive action by any government official or authority can be raised with him, either directly or through one of his subordinate officers, and will be investigated thoroughly. If the complaint proves to be well founded, he has the power to take appropriate remedial measures.

17. The laws in force in Pitcairn are published by the Government of the United Kingdom and are accessible to all on the island through the Island Secretary's office.

18. The Common Law of England has been applied to Pitcairn by an ordinance since 1961. The same provision of law applies the statutes of general application in force for the time being in England. Human rights provisions are taken as forming part of Pitcairn Islands law. The application of the Human Rights Act 1998 of the United Kingdom to Pitcairn is among questions currently before the Pitcairn Supreme Court.

III. Economy

19. The principal sources of income of Pitcairn's public economy are the sale of postage stamps and the recently created .pn Internet domain name along with revenue from interest and dividends. No regular budgetary support is provided by the United Kingdom. According to the administering Power, in 2001-2002 public

expenditure was roughly NZ$ 913,000 and income was NZ$ 508,000. This deficit was caused partly by a downturn in Internet domain name sales. The shortfall was met from the Pitcairn Investment Fund, which is managed for the Pitcairn Administration by the Crown Agents Assets Management Ltd. at a charge to Pitcairn of NZ$ 16,000 per year. The Investment Fund was set up in the early 1990s with funds generated primarily from stamp sales, as well as sales of Internet addresses and coins. Stamp sales have declined since the mid-1980s and although the Investment Fund currently stands at about NZ$ 1 million, down from about NZ$ 3.4 million in 1991 and NZ$ 2.1 million in 2001, it will need careful management if it is to maintain that level.

20. In order to extend the life of the Fund, the Pitcairn Islanders have chosen a modified subsidy plan, which has doubled their electrical charges and imposed ocean freight charges on items that were once free of charge or heavily subsidized. The administering Power has indicated that in considering options for strengthening the Fund, it was decided to project a 10-year financial framework plan.

21. An economic plan, put in operation at the beginning of 2000, provides help to Pitcairn's pensioners and families with children. The Territory's new economic plan was developed by Pitcairn Commissioner Leon Salt in concert with an economist and an official from the United Kingdom Department for International Development. If the plan accomplishes what is expected, the Pitcairn Investment Fund will remain solvent for 10 years. Although there is no taxation in the Territory, each person between 15 and 65 years of age is required to perform public work each month in lieu of taxation.

22. Most large capital projects on Pitcairn have been provided through United Kingdom Government aid funding.

23. The private economy of Pitcairn depends on gardening and trading, manufacturing and the sale of carvings, basketwork and other handicrafts, the export of dried fruit, honey and honey products. Bartering is an important part of the economy, mainly with passing ships. The fertile soil of the valleys produces a wide variety of fruits and vegetables, including breadfruit, citrus, sugar cane, watermelons, bananas, yams and beans. Fish is the main source of protein in the Islanders' diet. Pitcairn exports fruits, vegetables and handicrafts and imports fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The Territory also exports honey, which is reported to have been found by the New Zealand Ministry of Agriculture and Forestry to be an exceptionally pure product. The isolation of Pitcairn is said to work to the advantage of beekeepers; the bees already bought in 1978 and 1992 are certified pure and disease-free. Strict laws on the island prohibit bringing in any outside honey or used beekeeping supply. The honey business is a labour-intensive operation, as honey is placed manually into 250-gram bottles for export. It is estimated that about 3,000 bottles a year can be produced. In the past four years Pitcairn has begun to develop a dehydrated fruit industry; it exports dried bananas, mango and pineapple and is said to be preparing to export jams, dried fish and coffee. Pitcairn's food export business is expected to add substantially to the Territory's economy. Pitcairn's products are sold in New Zealand and the United States of America and a Pitcairn Island Producers' Cooperative has been established to handle marketing.

24. The island of Henderson, which is difficult to access, is the largest of the group and the most productive of the three satellite islands. Miro wood, which the

Islanders use to produce their carvings, is collected from the island. The Pitcairners usually make a journey in longboats once a year, staying a few days to collect enough wood to last another year and to undertake layering of young miro branches in an effort to ensure a sustainable crop for years to come. The journey may take about 14 hours each way, depending on weather conditions. The Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing, gathering coconuts and shells. Traditionally, the fish caught in these expeditions is shared equally among the families in the Territory.

25. A number of Pitcairn items are available directly from Pitcairn Islanders on the island through the Internet. Two web sites sell Pitcairn products,[2] including wood carvings, woven baskets, jewellery, honey, dried fruit, painted leaves and other items. When paying for orders by cheque, customers are advised to leave the cheque undated because of the long time it takes to process a cheque. Customers must allow up to six months or more for delivery.

26. Internet users worldwide can acquire a .pn suffix that is now permanently awarded to Pitcairn. The fees for the acquisition of a .pn domain are US$ 200 for the first registration that covers two years and US$ 100 for the annual renewal. Information for Internet users wishing to acquire the .pn domain is available through the official web site of the Government of Pitcairn.[3]

27. Pitcairn is now connected to the Internet. The funds to pay for such installation came from the sale of Pitcairn's .pn domain and a grant from the United Kingdom Government. The Internet is expected to allow Pitcairn Islanders to engage in e-commerce, including sale of carved and woven artefacts and honey.

28. The increase in the electrical rate may have a negative impact on a budding industry in locally produced dehydrated fruits and honey. Some Pitcairn Islanders have ordered propane heaters, but the cost of shipping supplies is also high. The fruit-drying industry is exploring the possibility of using solar fruit dryers.

29. Land was traditionally held under a system of family ownership, based on the original division of the island by the mutineers and subsequently modified following the return of some Pitcairn Islanders from Norfolk Island in 1859. Land legislation enacted in 1967 provided for the formal administration of the estates of deceased landowners. While it also sought to rationalize the customary land tenure system, it was largely ineffective in this respect and by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived on the island. Legislation adopted in the early 1980s is reported to aim at ensuring that every Pitcairn Islander is entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs", for as long as they live on Pitcairn. An annual land tax payable on all land held by a non-resident in the Territory, or on land held by a resident "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years), are eligible to apply for an allocation. They must be resident at the time of application and must fully intend to remain so.

30. A cooperative store, established in 1967, is open three times a week for a short period. Basic food commodities are obtainable when supplies are available. Flour,

eggs, meat and butter are provided if ordered several months in advance, as they must be imported from New Zealand.

31. Diesel-driven generators provide 240-volt electric power for approximately five hours each evening and for four hours each morning. VHF radio provides local communication on Pitcairn. Overseas communications are maintained through surface mail and, since 1992, via satellite (telephone and fax). Pitcairn recently released a trial set of telephone/fax cards for the new satellite communications. However, to a great extent, ham radio communications have been the mainstay of Pitcairn's contact with the outside world. Internet access is limited to a 19.6 KB satellite connection shared with a United States Geological Survey seismic monitoring station. While live television has not yet reached the island, videotapes are very popular.

32. Visitors to Pitcairn must first obtain from the Office of the Commissioner for Pitcairn Island in New Zealand a licence to land and reside there. Licences are valid for six months and may be renewed for further similar periods by the Governor. The Island Mayor, subject to the direction of the Governor, is empowered to permit ashore crew members and passengers of any visiting vessel.

33. Access to Pitcairn is possible only by sea and usually by container vessels plying between New Zealand and the United Kingdom or the eastern seaboard of the United States or the Caribbean, via the Panama Canal. In 2002, the Government of Pitcairn provided a list of 11 cruise ships scheduled to call at Pitcairn during 2003. According to press reports,[4] at the beginning of 2003 the Blue Star shipping line announced that its vessels would no longer call at Pitcairn. It was estimated that of the 35 ships calling at Pitcairn a year, 20 were Blue Star containerships. The Territory published stamps to mark the end of service. At the beginning of 2003, a group of Pitcairners rescued a New Zealand scientist who suffered an accident in the middle of the ocean. The team travelled in a longboat for 12 hours across 170 km of high seas to complete the rescue.

34. There are no hotels or guesthouses on Pitcairn, but accommodation for visitors may be arranged with one of the Territory's families on prior application to the Island Mayor. According to press reports,[5] during 2002 negotiations for a tourist development in Pitcairn Islands continued (see also A/AC.109/2002/2, para. 36). The project would involve a lodge on Pitcairn, with a floating hotel to be anchored in the lagoon of uninhabited Oeno Island. Eventually the company would develop a five-star hotel on Oeno.

35. Until 1964, there were no vehicles on the island. Transportation was on foot. All roads are unpaved. All-terrain vehicles, three or four wheeled, provide a frequently used mode of transport. According to reports, there are plans for the all-weather surfacing of the island's main road. Plans call for the laying of concrete from the island landing at Bounty Bay, up what the Pitcairners call their "Hill of Difficulty", with grades ranging between 30 and 35 per cent, to Adamstown. The present road is prone to washouts by the frequent storms that sweep over the island and must be repaired constantly.

36. According to the information provided by the administering Power, the British Government has recently completed a programme of construction on the island. New buildings include a six-bedroom house, warehouse and police station. The Government lodge and the hostel have been renovated.

IV. Social and educational conditions

37. The population of the Territory is self-employed, but allowances and wages are paid to members of the community who participate in local government activities and who perform communal services. Public work, which by law is required of all men and women between 16 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. Reportedly, the most essential of the public duties that are still recognized as being traditional are concerned with Bounty Bay and the maintenance of the public boats. Installations in the Bay are provided mainly from general revenue and grants from the United Kingdom. Information available indicates that in 1998 there were eight working men. The Islanders view this situation with concern since it takes four men to handle the longboats that go out to meet passenger ships. According to an information sheet provided by the Office of the Commissioner for Pitcairn Island in New Zealand, the only jobs in the Territory are government posts normally reserved for permanent residents of Pitcairn. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

38. Education is free and compulsory for all children between 5 and 15 years of age. The school is operated and financed by the Government. Instruction is in the English language and is based on the New Zealand standard curriculum. A trained teacher is recruited in New Zealand, normally for a two-year term. According to press reports,[6] a school teacher couple arrived in Pitcairn at the beginning of 2003. Since the shipping company that traditionally served Pitcairn interrupted service, the couple had to reach the Territory aboard a French Navy boat. In 1999, school enrolment was reported to be 10 students. Post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the grant of bursaries and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. The Education Officer is appointed by the Governor from suitable qualified applicants who are New Zealand-registered teachers. The Education Officer, who is also the government adviser and editor of the *Pitcairn Miscellany*, the only newspaper in the Territory, is contracted for two-year terms. Most Pitcairn Islanders are members of the Seventh-Day Adventist Church, which was established in the Territory over a century ago and is the only church on the island. The church is run by the church board and the resident pastor, who usually serves a two-year term.

39. The Pitcairn Island Health Centre, completed in 1997, was funded by the British Government Overseas Development Administration. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. The general health of the community is entrusted to a resident nurse, an assistant nurse and a local dental officer, who also doubles as an X-ray technician. Traditionally, the resident nurse is the wife of the pastor. Registered medical practitioners are employed from time to time for periods of between two and six months. The population also benefits from the services of visiting doctors travelling on ships that stop at the island. There is no doctor permanently stationed on Pitcairn.

40. The Pitcairn Island museum displays a number of artefacts and items, some of which have been donated and loaned by people from all over the world. Artefacts such as stone tools, which were made by Polynesians prior to the arrival of the

mutineers, are on display. Other artefacts include Bounty relics salvaged from the wreck.

41. As reported (A/AC.109/2002/2, para. 41), in recent years a criminal investigation of alleged sexual misconduct on the island has been under way. To guarantee the right of defence of the people under investigation, in March 2002 the Governor appointed a Public Defender for the Islanders involved. Owing to the logistical difficulty of holding protracted and complex trials on Pitcairn Island, court facilities in Auckland have been made available for at least part of the process as a result of an agreement between the United Kingdom and the Government of New Zealand. In December 2002, the Parliament of New Zealand passed the Pitcairn Act 2002, enabling this to take place. However, according to the administering Power, individuals have the right to challenge any decision venue for a particular trial. With the establishment of a live link television communication with the island, a hybrid trial could also take place, whereby the primary court would sit in New Zealand with a video link to a secondary court sitting in Pitcairn. Both defendants and witnesses would have the option to give evidence from Pitcairn, thus removing the need for certain key people to leave the island.[7]

42. Thirteen men have been charged with a total of 96 offences. To date, seven defendants have been committed for trial. According to press reports, the alleged offences happened between 5 and 40 years ago. The names of those charged and of the complaints are the subject of a suppression order. The Court adjourned proceedings until 17 November 2003 in Auckland for the hearing of legal arguments on preliminary issues. During the Caribbean regional seminar, held in Anguilla from 20 to 22 May 2003, the representative of Pitcairn noted that the procedures being followed by the United Kingdom Government in the unfolding court case were seen to be socially divisive and could destroy the community through the loss of manpower.[8]

V. Future status of the Territory

43. In its report to the General Assembly at its fifty-fifth session,[9] the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples stated that during 2000, the Special Committee and the administering Powers had agreed, on an informal basis, on a non-paper outlining a general work programme that would serve as a reference in the preparation of individual work programmes for specific Territories. The Special Committee and the administering Powers also agreed to prepare work programmes for American Samoa and Pitcairn. It was further agreed that the administering Powers would ensure the participation of representatives of those Non-Self-Governing Territories at every stage of the discussions.

44. The representative of the Mayor of Pitcairn participated as an expert to the Caribbean regional seminar on decolonization, held at The Valley, Anguilla, from 20 to 22 May 2003. According to the representative, the positive atmosphere at the seminar had given Pitcairn the confidence to continue working towards talks with the administering Power. It was hoped that such dialogue would lead to the creation of a work programme. The people of Pitcairn wanted to consider and choose their own future. That could not be done without infrastructure, economic and social development, as well as the active cooperation of the United Kingdom.

45. The seminar noted that the people of Pitcairn were not fully aware of all possibilities or the significance of the various self-determination options that might be available to them and were therefore eager to develop with the Special Committee and the Government of the United Kingdom a work programme in accordance with the Committee's case-by-case approach to the future status of the Territories.

46. With regard to the unfolding court case, the procedures being followed by the Government of the United Kingdom were impeding the development of self-government. He noted that education was a key element in the decolonization process, as the people of Pitcairn were not fully aware of the possibilities available to them. Independence would require substantial external support of an economic and political nature, by treaty arrangement. Association with another State would immediately raise the question of a long-term association with the United Kingdom. Geographically, Pitcairn would not want to exclude a possible relationship with France and French Polynesia. The two other possibilities were New Zealand and Australia. For practical reasons, the United Kingdom seemed a less likely possibility for integrated status.

A. Position of the administering Power

47. In his statement at the 2nd meeting of the Special Political and Decolonization Committee (Fourth Committee) on 6 October 2003 (see A/C.4/58/SR.2), the representative of the United Kingdom said that his Government welcomed the opportunity, as an administering Power, to bring the attention of the Committee to a number of significant developments that had taken place during the year. Following the adoption in 2002 of the British Overseas Territories Act, which granted all citizens of those Territories full British citizenship, the right of abode in the United Kingdom and freedom of movement within the European Union, over 14,000 passports had been issued by August 2003. As for environmental management in the Overseas Territories, his Government was working closely with the Territories in order to fulfil the commitments it had entered into under multilateral agreements and to support the efforts of the Territories themselves to protect and improve their environment.

48. With respect to the Constitutional Reviews, discussions were under way in the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat and the Turks and Caicos Islands. The authorities of Anguilla had set up a committee to canvas views from the population at large and a locally appointed Review Commission was expected to be established shortly in the British Virgin Islands. St. Helena was currently considering a new form of government. In terms of the Committee's specific interests, two years into the United Nations Second International Decade for the Eradication of Colonialism, perhaps the most significant development had been the decolonization seminar which had been held in Anguilla from 20 to 22 May 2003, since it was the first time that the seminar had been held in a British Non-Self-Governing Territory. The choice of venue and the focus of the seminar had meant that several chief ministers and their equivalents, as well as opposition leaders and civil society representatives, had been able to attend. The Representative of the United Kingdom said that the seminar had shown the extent to which many of the British Overseas Territories had dynamic and advanced economies, which already benefited from a high degree of self-government.

49. As seen from London, he said, the United Kingdom had the impression that there was no strong desire in its Territories to choose the path of independence, even though his Government had made it clear that it would give every encouragement if they chose to do so, where independence was an option. The key therefore, as long as the Territories chose to retain their links with the United Kingdom, would be to try to reconcile their desire for ever greater autonomy and self-government with the United Kingdom's responsibility to ensure good governance, protect the impartiality of the public service and the independence of the judiciary, and to ensure compliance with relevant international obligations.

50. In his closing remarks during the Overseas Territories Consultative Council, held in London from 8 to 10 December 2003, referring to the role of the Governors and constitutional reform, the Parliamentary Under-Secretary of State said that it was based on the principle of partnership. According to the Under-Secretary, the concept of free association advanced by the United Nations Special Committee of 24 would not be inconsistent with that, if it meant mutual acceptance by both sides, because the United Kingdom Government had responsibilities to protect. But if it meant, as he sensed some Territory Governments were arguing, that some Territories would draw their own constitutions free of outside interference, the United Kingdom would not agree with that. The Under-Secretary added that his Government valued its relationship with the Territories. It would not wish to force them into independence, although it would respond positively, where that would be an option (i.e. not Gibraltar) if that was the clear and constitutionally expressed wish of the people. The United Kingdom respected the fact that for some Territories that might be the long-term objective. He stressed, however, that while the Territories retained a link with the United Kingdom, their governance should be in partnership with it.[10]

B. Consideration by the General Assembly

51. On 9 December 2003, the General Assembly adopted without a vote resolutions 58/108 A and B. Section VIII of resolution 58/108 B is specifically devoted to Pitcairn. By the terms of the resolution, the General Assembly,

> "*Taking into account* the unique nature of Pitcairn in terms of population and area,
>
> "*Welcoming* the participation of a representative of the Mayor of Pitcairn in the Caribbean regional seminar at The Valley, Anguilla, from 20 to 22 May 2003, and taking note of the concerns expressed by him with regard to the ongoing court case in the Territory,
>
> "*Requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the representatives of Pitcairn on how best to support its economic security."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, and from published sources.

[2] http://library.puc.edu/pitcairn/pititems2.html; http://www.lareau.org/pitcmall.html.

[3] http://www.government.pn/homepage.htm.

[4] *New Zealand Herald*, 18 January 2003.

[5] BBC Monitoring Asia Pacific, 30 May 2002.

[6] http://library.puc.edu/pitcairn/news.

[7] United Kingdom Representative Roy Osborne during the Caribbean regional seminar of the Special Committee on decolonization, Anguilla, 22 May 2003, in response to a statement made by Kevin Young, representative of the Mayor of Pitcairn.

[8] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), para. 27.

[9] Ibid., *Fifty-fifth Session, Supplement No. 23* (A/55/23), para. 87.

[10] The Fifth Overseas Territories Consultative Council, report of the proceedings, 8-10 December 2003, annex F, closing remarks by Mr. Rammell.